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09/739,619	12/20/2000	Yusuke Kimata	Q62422	4741

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SUGHRUE, MION, ZINN, MACPEAK & SEAS  
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EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT PAPER NUMBER

2643

DATE MAILED: 12/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/739,619

Applicant(s)

Yusuke Kimata et al. 

Examiner

Melur. Ramakrishnaiah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Sep 20, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 2, are rejected under 35 U.S.C 102(b) as being anticipated by Hiroaki (US PAT: 5,786,846).

Regarding claim 1, Hiroaki discloses a picture-phone device for an operator to exchange images and voices with the party on the other end via a communication circuit comprising: an imaging portion (602, fig. 6), an image display portion (603, fig. 6), and means (102, fig. 6) for guiding the line of sight for guiding the operator's line of sight toward the imaging portion (602) (col. 13 lines 29-67, col. 14 lines 1-26, figs. 13A, 13B, col. 16 lines 14-21).

Regarding claim 2, Hiroaki further teaches the following: indicating means for giving indications to the operator for guiding operator's line of sight (figs. 13A, 13B, col. 16 lines 14-21).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-7, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroaki in view of Ota (JP363276352A).

Regarding claim 3, Hiroaki teaches control means (102, fig. 8) for controlling indicating means (502, fig. 8) in response to the result of the determination of the phone in use which is implicit (col. 13 lines 42-55, figs. 13A, 13B, col. 16 lines 14-21); but he does not explicitly teach the following: determining whether the phone is in use or not according to a voice input signal output from a microphone.

However, Ota discloses automatic voice dial telephone terminal equipment which teaches determining whether the phone is in use or not according to a voice input signal output from a microphone (see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Hiroaki's system to provide for determining whether the phone is in use or not according to a voice input signal output from a microphone as this would provide another means to determine phone in use.

Regarding claims 4-8, Hiroaki further teaches the following: indicating means is a light flashing system for guiding the operator's line of sight by light emission, light flashing system is provided near the imaging portion (col. 9 lines 35-42), indicating means is a caption outputting system for projecting a special visual image in order to guide the operator's line of sight (col. 14

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lines 46-57, col. 16 lines 14-21), special visual image is an arrow for pointing to the imaging portion (figs. 13A/13B, col. 15 lines 53-56, col. 16 lines 19-23), a special image is variation of characters, patterns or backgrounds in order to guide the operator's line of sight toward the imaging portion (figs. 9-13, note: all these figures give information to guide operator's line of sight to have proper display of both the remote user and local user in video communication, note: col. 14 lines 5-26).

Regarding claim 9, Hiroaki further teaches the following: the imaging display portion comprising: an inner display field (902, fig. 10) and an outer frame portion (1001, fig. 10, col. 14 lines 26-42).

5. Claim 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroaki in view of Leppisaari et al. (EP 0884905A2, hereinafter Leppisaari ).

Regarding claim 10, Hiroaki does not explicitly teach the following: imaging portion is disposed with respect to the outer frame portion.

However, Leppisaari discloses a method for producing an image to be transmitted from a terminal and the terminal which teaches the following: imaging portion is disposed with respect to the outer frame portion (fig. 3, page 4 lines 34-35).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Hiroaki's system to provide for the following: imaging portion is disposed with respect to the outer frame portion as this arrangement would provide one of the methods, among many methods possible, to locate imaging portion as taught by Leppisaari.

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Regarding claim 11, Hiroaki further teaches the following: means for guiding operator's line of sight comprises: indicating means for giving indication to the operator for guiding the operator's line of sight (col. 16 lines 14-21).

6. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroaki in view of Leppisaari as applied to claim 11 above, and further in view of view of Ota.

Regarding claim 12, the combination teaches control means (102, fig. 8) for controlling indicating means (502, fig. 8) in response to the result of the determination of the phone in use which is implicit (col. 13 lines 42-55, figs. 13A, 13B, col. 16 lines 14-21 of '846); but it does not explicitly teach the following: determining whether the phone is in use or not according to a voice input signal output from a microphone.

However, Ota discloses automatic voice dial telephone terminal equipment which teaches determining whether the phone is in use or not according to a voice input signal output from a microphone (see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for determining whether the phone is in use or not according to a voice input signal output from a microphone as this would provide another means to determine phone in use..

Regarding claims 13-15, the combination teaches the following: indicating means is a light flashing system for guiding the operator's line of sight by light emission (col. 9 lines 35-42 of '846), indicating means is a caption outputting system for projecting a special visual image in

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order to guide the operator's line of sight (col. 14 lines 46-57, col. 16 lines 14-21 of '846), the special visual image is one of the following: an arrow, a variation of characters, patterns or backgrounds in order to guide operator's line of sight (figs. 9-13, note: all these figures give information to guide operator's line of sight to have proper display of both the remote user and local user in video communication, note: col. 14 lines 5-26 of '846).

7. Claims 16-17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroaki in view of Kobayashi (JP35615287A).

Regarding claim 16, Hiroaki does not teach the following: imaging portion is disposed behind the inner display field.

However, Kobayashi discloses a video telephone device which teaches the following: imaging portion (6, fig. 2a) is disposed behind the inner display field (3, see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Hiroaki's system to provide for the following: imaging portion is disposed behind the inner display field as this arrangement would provide one of the methods, among many methods possible, to locate imaging portion as taught by Kobayashi.

Regarding claim 17, Hiroaki further teaches the following: indicating means for giving indications to the operator for guiding the operators's line of sight (figs. 13A-13B, col. 16 lines 14-21).

8. Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroaki in view of Kobayashi as applied to claim 16 above, and further in view of Ota.

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Regarding claim 18, the combination teaches the following: the combination teaches control means (102, fig. 8) for controlling indicating means (502, fig. 8) in response to the result of the determination of the phone in use which is implicit (col. 13 lines 42-55, figs. 13A, 13B, col. 16 lines 14-21 of '846); but it does not explicitly teach the following: determining whether the phone is in use or not according to a voice input signal output from a microphone.

However, Ota discloses automatic voice dial telephone terminal equipment which teaches determining whether the phone is in use or not according to a voice input signal output from a microphone (see abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for determining whether the phone is in use or not according to a voice input signal output from a microphone as this would provide another means to determine phone in use.

Regarding claims 19-21, the combination teaches the following: indicating means is a light flashing system for guiding the operator's line of sight by light emission (col. 9 lines 35-42 of '846), indicating means is a caption outputting system for projecting a special visual image in order to guide the operator's line of sight (col. 14 lines 46-57, col. 16 lines 14-21 of '846), the special visual image is one of the following: an arrow, a variation of characters, patterns or backgrounds in order to guide operator's line of sight (figs. 9-13, note: all these figures give information to guide operator's line of sight to have proper display of both the remote user and local user in video communication, note: col. 14 lines 5-26 of '846).



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*Response to Arguments*

9. Applicant's arguments filed on 8-26-2002 have been fully considered but they are not persuasive.

Regarding rejection of independent claim 1, Applicant argues that "Indisputably, Hirokai is silent as to guiding the operator's line of sight from his/her eyes toward a designated location on the picture phone. The function of the information of Hirokai as shown in Figures 13A and 13B is completely different from that of the claimed means of guiding. As above explained, Applicant's claimed means for guiding ... concepts are completely different". Contrary to Applicant's interpretation of Hiroaki reference, he clearly teaches guiding the operator's line of sight so that he appears properly located with reference to the remote user in connection communications between them by giving indications to the local user as to which way he has to move so as to properly appear on the display screen with respect to the remote user as shown in fgs. 13A, 13B (col 16 lines 13-21). Hiroaki reference clearly reads on applicant's independent claim 1, and rejection of claims 1 maintained. Similarly rejection of claim 2 is maintained as set forth in the office action above.

Regarding rejection of claims 3-8 under 103(a) based on Hiroaki and Oto, Applicant argues that "Applicant submits that Ota fails to teach or suggest "means for guiding the operator's line of sight to a specific direction", as recited in claim 1. Therefore, Applicant maintains that the combination of Hiroaki and Oto fails to teach or suggest claim 1. Based on above ... claims 3-7 are patentable by virtue of their dependency from claim 1". Regarding this, as shown above in

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discussing claim 1, Hiroaki clearly teaches means for guiding the operator's line of sight to a specific direction (figs. 13A, 13B, col. 16 lines 14-21) recited in claim 1. In view of this rejection of claims 3-7 and 8 is maintained as set forth in the above office action.

Rejection of other claims 9-21 is set forth as shown above.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on Monday to Friday from 7 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708. The fax phone number for this Group is (703) 305-9508.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

11. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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**or faxed to:**

(703) 308-6306, (for formal communications intended for entry)

**Or:**

(703) 305-9508 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

  
Melur. Ramakrishnaiah

PRIMARY EXAMINER

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